

LINDBLOM et al
Serial No. 09/688,165

Atty Dkt: 2380-155
Art Unit: 2661

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Cancel claim 3 without prejudice or disclaimer.
3. Amend claims 1- 2, 4, 7 - 15, 17 - 20.
4. Add new dependent claims 21 - 24.
5. Respectfully traverse all prior art rejections.
6. Advise the Examiner of the simultaneous filing of a Petition to Extend.

B. AMENDMENTS TO THE CLAIMS AND NEW CLAIMS

Independent claims 1, 10, 11, and 20 have been amended to specify that the sender switch port interface unit sends first plane maintenance cells via the first switch plane but not via the second switch plane and sends second plane maintenance cells via the second switch plane but not via the first switch plane, the first plane maintenance cells being applied to the first switch plane and the second plane maintenance cells being applied to the second switch plane in a predetermined sequence. Further, in the spirit of original dependent claim 3, these independent claims each specify that each of the first plane maintenance cells and the second plane maintenance cells include a plane indicator which informs the receiver switch port interface unit whether the maintenance cell traveled through the first switch plane or the second switch plane. Various claims which are dependent upon these independent claims have been amended for sake of terminology consistency. For support, *see, e.g.,* Fig. 2A and Fig. 2B and specification discussions thereof, such as pages 9 and 10 (for example).

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Independent claims 8 and 18 have been amended to specify that a first maintenance cell of the pair has a payload portion thereof inverted with respect to a corresponding portion of a second maintenance cell of the pair. New dependent claims 21 - 24 identify the payload portion as being a bit pattern which tests a cross-point buffer memory of the switch core. For support for the amendments to the independent claims and for the new claims, see, e.g., page 12, lines 16 - 20.

C. PATENTABILITY OF THE CLAIMS

Claims 1, 2, 4-12 and 14-20 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,909,427 to Manning (see enumerated paragraph 1 of the Office Action). Claims 3 and 13 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,909,427 to Manning in view of U.S. Patent 5,313,453 to Uchida (see enumerated paragraph 2 of the Office Action). All prior art rejections are traversed for at least the following reasons.

In U.S. Patent 5,909,427 to Manning, the same alleged "maintenance" cell is sent to both switch planes, first to the first plane and then to the second plane. As admitted in the Office Action, Manning does not have a plane indicator in the "maintenance" cell. Therefore, Manning does not teach or suggest sending different maintenance cells through two planes in a predetermined sequence, nor does Manning detect switch plane failure based on violation of such a sequence. Therefore, independent claims 1, 10, 11, and 20 and claims dependent thereon are all deemed allowable.

Independent claims 8 and 18 distinguish over U.S. Patent 5,909,427 to Manning since, e.g., these claims require inversion of the payload. Format indicators or the like such as those alleged in U.S. Patent 5,909,427 to Manning are typically header content and not payloads. Nor does U.S. Patent 5,909,427 to Manning teach or suggest a pattern of inverting and non-inverting payload fields as described in new dependent claims 21 -

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24, wherein the payload fields are a bit pattern which tests a cross-point buffer memory of the switch core. Therefore, claims 8, 9, 18, 19, and 21 - 24 are deemed allowable.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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